

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

EASTSIDE LINCOLN MERCURY, INC.,	:	Case No. C-1-01-567
et al.,	:	
	:	
Plaintiffs,	:	(Judge Bertlesman)
	:	
vs.	:	<b>DEFENDANTS KENWOOD DEALER</b>
	:	<b>GROUP AND ROBERT C.</b>
	:	<b>REICHERT’S WITNESS AND</b>
FORD MOTOR COMPANY, et al.,	:	<b>EXHIBIT LIST</b>
	:	
Defendants.	:	

Come now Defendants, Kenwood Dealer Group, Inc. and Robert C. Reichert, and submits the following list of witnesses to be called to testify and exhibits to be introduced as evidence at the trial in the above-captioned matter:

**WITNESSES**

1. Robert C. Reichert  
c/o Kenwood Dealer Group, Inc.  
9500 Kings Auto Mall Road  
Cincinnati, Ohio 45249-8248

Mr. Reichert is the President of Kenwood Dealer Group, and will testify to the absence of any agreement between himself, Kenwood Dealer Group and Ford Motor Company or knowledge of a plan of Ford Motor Company to deal unfairly or illegally with Eastside Lincoln Mercury or its owners through product allocation, warranty audits, LPE certification, facility decisions, the allocation of financial support for marketing and/or sales or otherwise in an attempt to devalue Eastside Lincoln Mercury or coerce its owners into selling Eastside Lincoln Mercury. Mr. Reichert will also testify about the facts and circumstances surrounding the termination of Gene Mullins. Finally, Mr. Reichert will testify as to the absence of any agreement between he and Jerry Carter or any other Ford or Lincoln Mercury employee involving any actions or refusals to act directed toward Eastside Lincoln Mercury which would interfere with the operation of the business of Eastside Lincoln Mercury.

2. Lawrence Feldhaus  
9018 Fields Ertel Drive  
Cincinnati, Ohio 45249

Mr. Feldhaus is the General Manager of Lincoln Mercury of Kings Auto Mall and part owner of Kenwood Dealer Group. Mr. Feldhaus will testify concerning the financial support provided by Lincoln Mercury for the advertising and sales programs of Lincoln Mercury of Kings Auto Mall.

Further, Mr. Feldhaus will testify concerning the allocation of new vehicles by Lincoln Mercury to Lincoln Mercury of Kings Auto Mall. Further, Mr. Feldhaus will testify to the lack of any knowledge of preferential treatment received by Lincoln Mercury of Kings Auto Mall from Lincoln Mercury with respect to vehicle allocation and financial support for advertising and sales programs.

3. Jerry Mullins  
6187 Dry Ridge Road  
Cincinnati, Ohio 45252

Mr. Mullins is the General Manager of Northgate Lincoln Mercury. Mr. Mullins will testify concerning financial support provided by Lincoln Mercury for advertising and sales programs to Northgate Lincoln Mercury. Mr. Mullins will further testify concerning the allocation of new vehicles to Northgate Lincoln Mercury and the facts and circumstances surrounding the termination of Gene Mullins from Northgate Lincoln Mercury. Mr. Mullins will testify to the lack of any knowledge of preferential treatment received by Northgate Lincoln Mercury with respect to vehicle allocation and financial support for advertising and sales programs.

4. Bob Houser  
3619 Hartwood Drive  
Mason, Ohio 45040

Mr. Houser is the General Manager of Fairfield Lincoln Mercury. Mr. Houser will testify concerning the financial support provided by Lincoln Mercury for advertising and sales programs for Fairfield Lincoln Mercury. Mr. Houser will further testify concerning the physical characteristics of the Fairfield Lincoln Mercury location. Mr. Houser will also testify concerning the allocation of new vehicles to Fairfield Lincoln Mercury and the LPE certification process for Fairfield Lincoln Mercury. Mr. Houser will testify to the lack of any knowledge of preferential treatment received by Fairfield Lincoln Mercury with respect to vehicle allocation and financial support for advertising and sales programs.

5. Randy Pelfrey  
c/o Northgate Lincoln Mercury  
8810 Colerain Avenue  
Cincinnati, Ohio 45251

Mr. Pelrey is the Sales Manager of Northgate Lincoln Mercury. Mr. Pelfrey will testify concerning the facts and circumstances surrounding the termination of Gene Mullins.

6. Patrick Letarte  
1279 Poplar Hill  
Lebanon, Ohio 45036

Mr. Letarte is the Zone Manager for the Cincinnati area for Lincoln Mercury. Mr. Letarte will testify to the allocation of new vehicles to Northgate Lincoln Mercury, Fairfield Lincoln Mercury and Lincoln Mercury of Kings Auto Mall, as well as the financial support provided by Lincoln Mercury for advertising and sales programs in the Cincinnati area. Mr. Letarte will testify as to the absence of any improper preferential treatment to Northgate Lincoln Mercury, Fairfield Lincoln Mercury or Lincoln Mercury of Kings Auto Mall by way of new vehicle allocation or financial support for marketing and sales.

7. Jerry Carter  
3025 Highland Parkway  
Downers Grove, Illinois 60515

Mr. Carter was the Regional Manager for Lincoln Mercury for the Cincinnati division for March of 1997 through May of 2002. Mr. Carter will testify as to the absence of any actions on his part or that of Ford to disadvantage Eastside Lincoln Mercury, its owners or to devalue Eastside Lincoln Mercury so as to facilitate a purchase of the dealership by Mr. Reichert. Further, Mr. Carter will testify that neither Robert Reichert nor any employee or owner of Kenwood Dealer Group requested or directed Mr. Carter or the Ford Motor Company to take any action detrimental to Eastside Lincoln Mercury or its owners.

8. Mark D. Schmitz, Ph.D.  
2904 American Saddler Drive  
Park City, Utah 84060

Dr. Schmitz will provide expert opinion testimony as detailed in his report of August 7, 2002 and supplemental report dated October 26, 2004. Dr. Schmitz will opine Plaintiffs have not sustained damages from alleged conduct of Defendants.

9. The fact witnesses identified by Defendant Ford Motor Company.
10. The witnesses identified by Plaintiffs as if on cross-examination.

### **EXHIBITS**

1. Correspondence from Robert C. Reichert to Jerry Carter dated May 3, 2001 regarding dual of Fairfield Lincoln Mercury with attachments.
2. Undated memo from Gene Mullins to Jerry Mullins.
3. Correspondence from Gene Mullins to Jerry Mullins, Bob Reichert and Jerry Carter dated April 15, 2002.

4. Correspondence from Curtis L. Cornett to Gene Mullins dated May 8, 2002.
5. The exhibits identified by Co-Defendant Ford Motor Company.
6. Demonstrative exhibits contained in Mark D. Schmitz report of August 7, 2002 and supplemental report of October 26, 2004.

Respectfully submitted,

s/ Steven D. Hengehold  
Steven D. Hengehold (0030134)  
Attorney for Defendants, Kenwood Dealer Group,  
Inc. and Robert C. Reichert  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2004, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following: Lawrence A. Flemer, Esq. and Gregory J. Berberich, Esq., Attorneys for Plaintiffs, and Elizabeth A. McNellie, Esq., Attorney for Defendants Ford Motor Company, Jerry Carter and A.W. Walls.

s/ Steven D. Hengehold  
Steven D. Hengehold (0030134)